

November 12, 2004  
Case No. PHF 99,598 (7790/322)  
Serial No.: 09/551,816  
Filed: April 18, 2000  
Page 7 of 11

**REMARKS/DISCUSSION OF ISSUES**

In the Final Office Action of August 11, 2004, Examiner Ferris rejected pending claims 7-18 on various grounds. The Applicant responds to each rejection as subsequently recited herein, and respectfully requests reconsideration and further examination of the present application under 37 CFR § 1.114:

- A. Examiner Ferris rejected claims 7, 8, 10, 11, 13, 14, 16 and 17 under 35 U.S.C. §102(b) as being anticipated by WO 98/29968 to *Bradley et al.*

The Applicant has thoroughly considered Examiner Ferris' remarks concerning the patentability of claims 7, 8, 10, 11, 13, 14, 16 and 17 over *Bradley*. The Applicant has also thoroughly read *Bradley*. To warrant this 35 U.S.C. §102(b) rejection of claims 7, 8, 10, 11, 13, 14, 16 and 17, *Bradley* must show each and every limitation of independent claims 7, 11, 13 and 16 in as complete detail as is contained in independent claims 7, 11, 13 and 16. See, MPEP §2131. The Applicant respectfully asserts that *Bradley* fails to disclose and teaches away from "selection means for, based on the acquired data, conditionally selecting at least an active secondary station and conditionally selecting at least an alternative secondary station suitable for becoming active" as recited in independent claims 7 and 13, "based on the acquired data, conditionally selecting at least an active secondary station and conditionally selecting at least an alternative secondary station suitable for becoming active" as recited in independent claim 10; and "based on the acquired data, conditionally select at least an active secondary station and conditionally select at least an alternative secondary station suitable for becoming active" as recited in independent claim 16. Withdrawal of the rejection of independent claims 7, 10, 13 and 16 under §102(b) as being anticipated by *Bradley* is therefore respectfully requested.

November 12, 2004  
Case No. PHF 99,598 (7790/322)  
Serial No. 09/551,816  
Filed April 18, 2000  
Page 8 of 11

Claim 8 depends from independent claim 7. Therefore, dependent claim 8 includes all of the elements and limitations of independent claim 7. It is therefore respectfully submitted by the Applicant that dependent claim 8 is allowable over *Bradley* for at least the same reason as set forth herein with respect to independent claim 7 being allowable over *Bradley*. Withdrawal of the rejection of dependent claim 8 under 35 U.S.C. §102(b) as being anticipated by *Bradley* is respectfully requested.

Claim 11 depends from independent claim 10. Therefore, dependent claim 11 includes all of the elements and limitations of independent claim 10. It is therefore respectfully submitted by the Applicant that dependent claim 11 is allowable over *Bradley* for at least the same reason as set forth herein with respect to independent claim 10 being allowable over *Bradley*. Withdrawal of the rejection of dependent claim 11 under 35 U.S.C. §102(b) as being anticipated by *Bradley* is respectfully requested.

Claim 14 depends from independent claim 13. Therefore, dependent claim 14 includes all of the elements and limitations of independent claim 13. It is therefore respectfully submitted by the Applicant that dependent claim 14 is allowable over *Bradley* for at least the same reason as set forth herein with respect to independent claim 13 being allowable over *Bradley*. Withdrawal of the rejection of dependent claim 14 under 35 U.S.C. §102(b) as being anticipated by *Bradley* is respectfully requested.

Claim 17 depends from independent claim 16. Therefore, dependent claim 17 includes all of the elements and limitations of independent claim 16. It is therefore respectfully submitted by the Applicant that dependent claim 17 is allowable over *Bradley* for at least the same reason as set forth herein with respect to independent claim 16 being allowable over *Bradley*. Withdrawal of the rejection of dependent claim 17 under 35 U.S.C. §102(b) as being anticipated by *Bradley* is respectfully requested.

November 12, 2004  
Case No. PHF 99,598 (7790/322)  
Serial No.: 09/551,816  
Filed: April 18, 2000  
Page 9 of 11

B. Examiner Ferris rejected claims 7-18 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,314,269 B1 to *Hart et al.*

The Applicant has thoroughly considered Examiner Ferris' remarks concerning the patentability of claims 7-18 over *Hart*. The Applicant has also thoroughly read *Hart*. To warrant this 35 U.S.C. §102(e) rejection of claims 7-18, *Hart* must show each and every limitation of independent claims 7, 11, 13 and 16 in as complete detail as is contained in independent claims 7, 11, 13 and 16. See, MPEP §2131. The Applicant respectfully asserts that *Hart* fails to disclose and teaches away from "selection means for, based on the acquired data, conditionally selecting at least an active secondary station and conditionally selecting at least an alternative secondary station suitable for becoming active" as recited in independent claims 7 and 13, "based on the acquired data, conditionally selecting at least an active secondary station and conditionally selecting at least an alternative secondary station suitable for becoming active" as recited in independent claim 10; and "based on the acquired data, conditionally select at least an active secondary station and conditionally select at least an alternative secondary station suitable for becoming active" as recited in independent claim 16.

Withdrawal of the rejection of independent claims 7, 10, 13 and 16 under §102(e) as being anticipated by *Hart* is therefore respectfully requested.

Claims 8 and 9 depend from independent claim 7. Therefore, dependent claims 8 and 9 include all of the elements and limitations of independent claim 7. It is therefore respectfully submitted by the Applicant that dependent claims 8 and 9 are allowable over *Hart* for at least the same reason as set forth herein with respect to independent claim 7 being allowable over *Hart*. Withdrawal of the rejection of dependent claims 8 and 9 under 35 U.S.C. §102(e) as being anticipated by *Hart* is respectfully requested.

November 12, 2004  
Case No. PHF 99,598 (7790/322)  
Serial No.: 09/551,816  
Filed: April 18, 2000  
Page 10 of 11

Claims 11 and 12 depend from independent claim 10. Therefore, dependent claims 11 and 12 include all of the elements and limitations of independent claim 10. It is therefore respectfully submitted by the Applicant that dependent claims 11 and 12 are allowable over *Hart* for at least the same reason as set forth herein with respect to independent claim 10 being allowable over *Hart*. Withdrawal of the rejection of dependent claims 11 and 12 under 35 U.S.C. §102(e) as being anticipated by *Hart* is respectfully requested.

Claims 14 and 15 depend from independent claim 13. Therefore, dependent claims 14 and 15 include all of the elements and limitations of independent claim 13. It is therefore respectfully submitted by the Applicant that dependent claims 14 and 15 are allowable over *Hart* for at least the same reason as set forth herein with respect to independent claim 13 being allowable over *Hart*. Withdrawal of the rejection of dependent claims 14 and 15 under 35 U.S.C. §102(e) as being anticipated by *Hart* is respectfully requested.

Claims 17 and 18 depend from independent claim 16. Therefore, dependent claims 17 and 18 include all of the elements and limitations of independent claim 16. It is therefore respectfully submitted by the Applicant that dependent claims 17 and 18 are allowable over *Hart* for at least the same reason as set forth herein with respect to independent claim 16 being allowable over *Hart*. Withdrawal of the rejection of dependent claims 17 and 18 under 35 U.S.C. §102(e) as being anticipated by *Hart* is respectfully requested.

November 12, 2004  
Case No. PHF 99,598 (7790/322)  
Serial No.. 09/551,816  
Filed: April 18, 2000  
Page 11 of 11

**SUMMARY**

The Applicant respectfully submits that pending new claims 7-18 as listed herein fully satisfy the requirements of 35 U.S.C. §§ 102, 103 and 112. In view of the foregoing, favorable consideration and early passage to issue of the present application is respectfully requested. If any points remain in issue that may best be resolved through a personal or telephonic interview, Examiner Ferris is respectfully requested to contact the undersigned at the telephone number listed below.

Dated: **November 12, 2004**

Respectfully submitted,  
RAUL BRUZZONE


PHILIPS INTELLECTUAL PROPERTY  
& STANDARDS  
P O. Box 3001  
Briarcliff, New York 10510  
Phone: (914) 333-9612  
Fax: (914) 332-0615

---

Jack D. Slobod  
Registration No. 26,236  
Attorney for Applicant

CARDINAL LAW GROUP  
Suite 2000  
1603 Orrington Avenue  
Evanston, Illinois 60201  
Phone: (847) 905-7111  
Fax: (847) 905-7113

---



---

Frank C. Nicholas  
Registration No. 33,983  
Attorney for Applicant